President—I don't think that, that arises out of this question.

Failure of Justice in the matter of complaints of the poorer classes against the rich.

167. Mr. K. M. Ibrahim:—Referring to the complaints of Messrs. Vilukutty, Kochu Chakkan, Kunjandi, Raman, Kammad, Pulli, Kurumban, Karichil and Krishnan, etc., etc, will the Government kindly say—

(1) whether they have not already admitted in open Council on previous occasions that complaints of the poor against the rich tend generally to be compounded on account of the advantageous position and greater resources of the latter; and

(2) what they have been doing and intend to do to prevent failure of Justice through the Mal-distribution of Wealth?

Mr. P. Nilakanata Menon:—(1) *What Government have stated is that in most of the cases of assault on the depressed classes, the parties compromise and thus nullify the effects of Police interference.

(2) No answer is required in view of the answer to sub-division (1).

** Since this answer was not ready for the Vrischigam meeting of the Legislative Council, this could not be answered along with the other questions relating to the complaints of Messrs. Valukutty, Kochu Chakkan, etc.

Mr K. M Ibrahim:—By answer (2) does the Hon'ble Member for Police admit that there is a failure of justice through the mal-distribution of wealth?

Mr. P Nilakanta Menon:—It is a matter of opinion.

Mr. K. M Ibrahim:—I ask whether the Hon'ble Member for Police admits by the answer "No answer is required in view of the answer to sub-division (1)" that there is such a practice.

President—The Hon'ble Member for Police said that it is a matter of opinion. Some might say 'yes' and some might say 'no'.

Mr. K. M Ibrahim:—May I know Sir, the most common cause for such compromising?

Mr. P. Nilakanta Menon:—I suppose it is the desire of the parties to compromise.

Mr. K. M Ibrahim:—What is this that actuates these poor people to compromise? There must be some reason for that.

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Mr. P. Nilakanta Menon:—There is no necessity for us to go into that.

Mr. K. M. Ibrahim:—You could have gone into that because of the comparative disadvantage financially of those poor people and depressed class people they don't get justice.

Mr. P. Nilakanta Menon:—For the matter of that even rich people compromise cases.

Mr. K. M. Ibrahim:—Does the Hon'ble Member for Police know that in cases where they are the complainants they are persuaded by the other party by presents of money? Has any such instance come to the notice of the Hon'ble Member for Police.

Mr. P. Nilakanta Menon:—I can't say for certain. May or may not be.

Mr. K. M. Ibrahim:—Has any instance come to your notice?

Mr. P. Nilakanta Menon:—No definite instance. I don't think there will be any compulsion on the part of the accused. Probably these people may be satisfied with some money. Even in the case of rich people it is so.

Mr. K. M. Ibrahim:—Does the Hon'ble Member for Police admit that there is such a practice?

Mr. P. Nilakanta Menon:—But it is common to all.

Mr. K. M. Ibrahim:—In view of the admission of the Hon'ble Member for Police that there is a likelihood of such cases happening, is there not a case made out for the Government to consider themselves as the aggrieved party and prevent such moves for compromise? That is the point.

Mr. P. Nilakanta Menon:—The Government do not think so.

Mr. K. M. Ibrahim:—Is it the position of the Hon'ble Member for Police that the Government has no duty to prevent such compromises which are brought about by presents of money?

Mr. P. Nilakanta Menon:—This is a right given by the law to all people, not especially to the depressed classes. I see no reason why we should check the liberty of every human being given under the law. So I don't suppose that any occasion has arisen to take any step to check such compromises.

Mr. K. M. Ibrahim:—You say that it is allowed by law. My point is that there must be a law to prevent.

President:—Order. Order. There is nothing to prevent the Hon'ble Member from introducing a law to that effect if he wishes that.

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Mr. K. M. Ibrahim:—Apart from the people of the depressed classes this question relates to other men also of poor means. What is the Commissioner's finding about such people?

Mr. P. Nilakanta Menon:—I don't quite grasp the question, Sir.

Mr. K. M. Ibrahim—Has not the Commissioner limited the purport of this question to the people of the depressed classes? Was not the question intended to include people in general with limited means?

President:—The question is with regard to the poor classes.

Municipal Rules of Taxation.

168. Mr. K. M. Ibrahim:—Will the Government kindly state whether there are any Municipal Rules of Taxation whereby a person who has not been assessed under the Municipality has been prosecuted for non-payment?

Rama Varmha Tampuran:—So far as property tax is concerned, the temporary occupier of the building or land as the case may be, has a liability to pay the tax under certain specified conditions (vide rule 50 of the Taxation rules issued under section 63 of the Cochin Municipal Regulation). But in this case it is not persons that are assessed but the properties that are assessed. Again agents and trustees have a liability to pay tax on behalf of their Principals under certain conditions (vide Article 216 of the Regulation).

Mr. K. M. Ibrahim:—May I know, Sir, whether a prosecution can lie with a notice of demand for tax by the provisions of the Municipal Regulation.

Rama Varmha Tampuran:—Notice is always necessary. I would prefer to answer that qnestion better if the Hon'ble Member will kindly let me know to what particular section he refers. As will be seen from the answer there are several sections in the Regulation which touch upon that subject and under each section a separate procedure might be laid out by the Regulation

Mr. K. M. Ibrahim:—In all instances is it not essential that a demand notice must be first issued?

Rama Varmha Tampuran:—The question is not quite easy to answer. Generally, of course, any payment will require an earlier notice. There is no doubt about that. No specific answer is required on that point. But if the Hon'ble Member is referring to any particular instance I would like to be informed of the section under which the question is put.

Mr. A. Sankara Poduval:—Has there been any such prosecution to the Government's knowledge?

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